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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

later: Mrs. REGAZZOLI (Argentina)

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(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

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The meeting was called to order at 10.30 a.m.

TRIBUTE TO MR. NELSON MANDELA

1. The CHAIRMAN said that the release on 11 February 1990 of Mr. Nelson Mandela marked the work of the Commission more than that of any other United Nations body, since it was in the Commission that the struggle for justice had been waged over so many years.

2. Nelson Mandela, during his imprisonment, had become a symbol of much of what the Commission was about: the struggle for justice was symptomatic of the struggle to dismantle apartheid. With the release of Mr. Mandela, the peaceful but delicate path to justice was finally being taken.

3. Much remained to be done, but the Commission had seen that a dialogue based on mutual respect and faith in the rights and freedoms of the individual was the best if not the only tool available. The seriousness of the moment was best underlined by the statement in article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

4. Mr. SENE (Senegal) said that the release of Mr. Nelson Mandela, long awaited by the international community and the Commission, had finally become a reality and represented the triumph of morality and law over crimes against humanity and human rights violations. People everywhere manifested their enthusiasm and expressed hopes raised by the release of the oldest political prisoner in the world.

5. The statement made by Mr. Mandela upon his release gave hope for the acceptance of responsibility by that historic man, called upon to bring together a multitude of organizations fighting against apartheid during the difficult period in which he was to lead his country into a new era of peace, social justice and respect for human dignity and fraternity.

6. Mr. Mandela had become a great hero, immortalized by his example of courage and dignity. He would remain the symbol of 30 years of struggle, silence and detention, but also of resistance against white domination, injustice and racial segregation. In his statement, Mr. Mandela had called for the release of all political prisoners, the lifting of the state of emergency and the maintenance of existing sanctions until the complete dismantlement of apartheid.

7. Another event of great importance in southern Africa had been the unanimous adoption on 9 February 1990 by the Constituent Assembly of Namibia of the constitution for that former South African colony in an atmosphere of national reconciliation. Mr. Sam Nujoma, the future Head of State and architect of that reconciliation, had said that his country had taken a gigantic step forward on the long road towards independence.

8. One of the opposition leaders representing most of the 80,000 white Namibians had said that they intended to remain in the country and undertook to serve faithfully the new Republic of Namibia, its people, its Constitution and its legislation. The Constitution provided for a system of political

pluralism, a bill of human rights, a two-chamber legislature, the independence of the judiciary and a ban on capital punishment. It also fixed a five-year term of office for the President of the future Republic, which would be proclaimed on 21 March 1990. In that connection, it should be noted that SWAPO had given up its Marxist orientation and was opting for a mixed economy.

9. The new Constitution was one of the most liberal in Africa and he hoped that the example of Namibia would inspire all the South African peoples in their negotiations to construct a unitary, democratic and non-racist nation based on respect for human rights and fundamental freedoms.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

(agenda item 7) (continued) (E/CN.4/1990/8 and 66; E/CN.4/Sub.2/1989/19)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1990/9 (Part III), E/CN.4/1990/33; E/CN.4/1990/NGO/18 and E/CN.4/1989/10)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 17) (continued) (E/C.12/1988/1; CCPR/C/2/Rev.2 and A/44/441)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 18) (continued) (E/CN.4/1990/39; A/44/539 and 668)

10. Mr. BARSH (Four Directions Council) said, with regard to the link between economics and the full realization of human rights, that all human rights were aspirational in the sense of undergoing continual redefinition and improvement. That process, which was both subjective and objective, involved changes and views about the nature of a just society, such as the proper balance between individual freedom and collective responsibility, as well as changes in the material foundation for supporting and protecting the enjoyment of rights. Therefore, the development process was essential in all countries, since even the most industrialized countries continued to change and to increase their aspirations, both social and material.

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11. With regard to the statement by the United States representative that the implementation of civil and political rights cost nothing, as a lawyer from the same country who had frequently been involved in defending the rights of the poor, he could attest to the fact that the United States, like other countries, had ongoing problems in meeting the standards contained in articles 9, 10, 14 and 24 of the International Covenant on Civil and Political Rights. Such problems were a reminder that money was essential to build an effective and fair legal system that could provide equal justice for all and to strengthen many other civil and political rights.

12. The same international economic structures which played a role in promoting inequalities and undemocratic régimes in developing countries had adverse effects on the distribution of power within the developed countries. For example, GATT still discriminated between tropical and temperate crops in a way that depressed the incomes of farmers in developing countries. Combined with intervention by the international banking system to support the value of the dollar, that policy had also led to a debt crisis for North American farmers. Support for the dollar and high United States interest rates had not only drawn funds out of the third world to refinance the United States budget deficits but had also drawn dollars out of domestic United States production and social programmes.

13. The growing gap between the rich and the poor in the United States was being driven by the same financial process that had worsened economic disparities in the developing countries through external indebtedness and structural readjustment. Racial tensions, which had begun to lessen in the 1970s as a result of public investment in education and community development, were re-emerging, as it became clear that some sections of national society had made little or no real progress over the past decade.

14. Even in rich countries, Governments tended to respond to economic stagnation by reducing expenditure on the basic needs of the poor. Structural adjustment was still a process of shifting public investment from maintaining a minimum standard of human dignity to rewarding the self-interest of the relatively rich.

15. The declaration on the Right to Development gave priority to human rights, participation and democracy and made it clear that human rights could not be fully protected without bringing human considerations into the design of all international economic, financial and trade institutions.

16. His organization believed that the recommendations made by the global consultation on the realization of the right to development (E/CN.4/1990/9 (Part III)) to ensure the compatibility of United Nations activities with human rights norms were practical and necessary measures that would give human rights far greater weight and at the same time help to address more effectively some basic obstacles to the further realization of those rights in most countries. While the recommendations appeared to be widely acceptable to members of the Commission, it might be helpful to clarify a few points.

17. First of all, the global consultation recommended that internal United Nations system co-ordination should be carried out in several ways: there should be a network of focal points in all the relevant United Nations programmes and specialized agencies; a co-ordinating officer should be appointed in the Centre for Human Rights, together with an officer in New York

to establish liaison with the economic agencies; the matters should be included annually in the agendas of both the economic and humanitarian committees of the Economic and Social Council and the General Assembly; there should be an annual review by the Administrative Committee for Co-ordination; a system-wide programme of co-operative research and promotional activities should be established; and a single, system-wide expert committee should be constituted to oversee the process of integrating human rights into all aspects of United Nations work.

18. His delegation did not believe that those tasks could be carried out effectively by the Economic and Social Council, which met in two separate sessions, one dealing with humanitarian matters and the other with economic ones. That was a basic structural obstacle to co-ordination and it would probably be easier to establish a small expert body reporting to both sessions of the Economic and Social Council. Nor could complete reliance be placed on the Administrative Committee for Co-ordination, which had no special expertise in either human rights or economics.

19. The proposed new committee of experts would be interdisciplinary, geographically balanced and dealing with the linkage of human rights and development at two levels: the direct impact of United Nations activities on the enjoyment of human rights; and their indirect effects on the international economic environment and resources available for development. No existing United Nations body had a comparable mandate or expertise.

20. The proposed committee would not be a monitoring body patterned after the Human Rights Committee. Most of the information handled would concern the functioning of United Nations programmes and would be used chiefly to prepare recommendations for internal United Nations co-ordination purposes. The cost of the proposed committee would be about $200,000, which represented less than 3 per cent of the current human rights budget and was a small price to pay for putting the the United Nations economic and social development machinery to work for the advancement of human rights.

21. There were compelling reasons for the Commission to act on those recommendations without further delay. In 1990, the General Assembly was to adopt an International Development Strategy for the Fourth United Nations Development Decade. In addition, the General Assembly would convene a special session devoted to international economic co-operation in April, with a mandate to contribute to the design of the international development strategy. It should also be noted that the Preparatory Committee for the United Nations Conference on Environment and Development, to be held in 1992, would meet later in 1990.

22. The documents being prepared so far for the Fourth Development Decade and the United Nations Conference on Environment and Development made no reference at all to human rights. The Commission had not yet taken a firm position on the role of human rights in development strategy or environmental protection. If it did not respond to the opportunity afforded by the work being done in New York, the victims of human rights abuses around the world might well wonder whether the Commission was serious about enhancing its effectiveness.

23. Mr. HLOPHE (Swaziland) said that his delegation was heartened by the encouraging signs of all-round progress in the evolution of human rights. It hoped that the Commission would take advantage of the positive developments occurring throughout the world and conduct the march of the international community towards a safer and more democratic world.

24. While his delegation welcomed the views and recommendations put forward by previous speakers and agreed on broad principles, particularly those fundamental to the advancement of socio-economic and political rights, it stressed that they would remain largely meaningless if they were not accompanied by the political will of the various Governments.

25. On the other hand, his delegation noted with dismay that, despite the economic recovery achieved in some industrialized countries, the peripheral developing countries continued to be confronted with an adverse external environment which nullified the strenuous efforts they made to attain the goal of economic self-reliance.

26. Swaziland was a small land-locked country whose economic development depended mainly on external trade. Consequently, the unprecedented decline in commodity prices and the unfavourable international economic scenarios had extremely serious consequences for its fragile economy.

27. His delegation fully shared the view that the realization of human rights was directly linked with the right to development. It strongly believed that the principles underlying the Charter of Economic Rights and Duties of States and the establishment of a new international economic order remained indispensable for the achievement of the full enjoyment of human rights.

28. His Government's policy was thus designed to intensify the development of its agro-industrial basis in order to enhance the quality of life and improve the living standards of its citizens. Swaziland was an active member of the Southern African Development Co-operation Conference (SADDC) the cardinal principles and purposes of which amounted to the consolidation of the hard-won socio-economic and political independence of that region of Africa.

29. Mr. RONQUIST (Sweden) said that, although some 25 years had passed since the adoption of the International Covenants on Human Rights, the number of ratifying States remained low. His delegation urged the Governments that had not yet done so to increase their efforts to become States Parties to the Covenants and also advocated an increasing role for the Centre for Human Rights in assisting such States in their endeavours to that end. Governments which were faced with serious allegations of human rights abuses but declared their innocence should manifest their commitment to human rights by acceding to the Covenants.

30. The implementation procedure provided for under the human rights instruments should play an essential role in the protection of those rights, but that was not always the case. Many States Parties failed in their duties to submit periodic reports and a small number of States had not yet recognized the right of individuals to submit communications to the relevant treaty bodies. In that connection, his delegation welcomed the accession since 1989 of six new States parties to the Optional Protocol to the International Covenant on Civil and Political Rights.

31. The study by Mr. Alston on possible long-term approaches to enhancing the effective operation of the bodies established under human rights instruments (A/44/668) contained ideas and suggestions which the Commission and the treaty bodies should take into account.

32. The reporting system was often referred to as a burden on States. Even if it was burdensome, it served various important objectives, such as the periodic review of law and practice regarding each of the rights, and the promotion of public scrutiny of government policies. Therefore, the reporting procedure should be seen as an essential ingredient in the implementation of human rights. Assistance to the States concerned, within the programme of advisory services for example, should be used to alleviate the problem of inadequate or unsatisfactory reports.

33. With the adoption of new conventions in the field of human rights, the problem of the overlapping competence of various treaty bodies was increasing. As proposed by Mr. Alston in his study, a system of cross-references might be helpful in order to avoid unnecessary duplication. A closer dialogue between the committees and the States parties would also be welcome. For instance, the committees might adopt the practice of providing the States in advance with a list of questions to be dealt with during the examination of the reports.

34. The previous session of the Commission had been a very successful one. Two important draft instruments had been transmitted to the General Assembly: the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty, and the Convention on the Rights of the Child. He welcomed the adoption by the General Assembly of both those instruments and noted with satisfaction the announcement by the Under-Secretary-General for Human Rights that the Convention on the Rights of the Child had already been signed by 60 States - including Sweden - on the first day on which it had been opened for signature. His Government was also ready to sign the Second Optional Protocol as soon as it was opened for signature, and was taking steps to ratify both of those instruments in 1990.

35. The adoption of the Convention on the Rights of the Child should be seen merely as the starting-point in the work of protecting children's rights. Sufficient attention should therefore be given at forthcoming meetings of the Commission to the question of the implementation of those rights.

36. Turning to the global consultation on the right to development held recently at Geneva, he said that the importance of the right to effective participation in all aspects of development and all stages of the decision-making process, and the importance of respect for human rights in all development strategies, had been among the issues discussed during the consultation. The human person should be the central subject of human rights. All efforts should be directed towards the full enjoyment by all of civil, political, economic, social and cultural rights as both the necessary condition for and the aim of the right to development.

37. Those criteria were in keeping with the goals of Swedish development assistance, which strongly emphasized the promotion of democracy and human rights.

38. Paying tribute to the numerous individuals and non-governmental organizations throughout the world who played an indispensable role in the promotion and protection of human rights, he said that there were many individuals who risked their lives or liberty in their devotion to human rights and fundamental freedoms. The special need for safeguards for such defenders of human rights was the subject of the ongoing deliberations on a draft declaration under agenda item 24. His delegation attached great importance to that work and welcomed the considerable progress made in 1990 by the working group. He hoped that the draft declaration could be finalized and submitted to the Commission not later than in 1992.

39. Mrs. dos SANTOS PAIS (Portugal) said that the international community and the organizations of the United Nations system had recently taken significant steps which confirmed their renewed interest in the International Covenants on Human Rights. For instance, the General Assembly had adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty, thus strengthening the scope of article 6 of the Covenant, relating to the right to life. Portugal, which had abolished capital punishment more than a century earlier, welcomed that measure and reaffirmed its intention of ratifying the new instrument.

40. Furthermore, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights had continued to take decisive action with regard to the implementation of the rights recognized in the two Covenants under which they had been established.

41. In addition, during the previous year, Mr. Alston, an independent expert, had submitted a very comprehensive and interesting study on enhancing the effective operation of bodies established under United Nations human rights instruments (A/44/668). She agreed with Mr. Alston that the ratification of human rights conventions by a large number of States was a decisive component of United Nations action in that field.

42. It was essential, therefore, to reaffirm the importance of the bodies set up to monitor the implementation of such instruments. Priority should thus be given to ways of enhancing the role of the treaty bodies, whether by assigning an adequate number of specialized Secretariat staff members, by organizing and disseminating full and updated information, or by funding those bodies from the regular United Nations budget.

43. She was of the opinion that funding by States parties could not only jeopardize ratification by a larger number of States, but could also compromise the independence of the treaty bodies. The example of the Committee on the Elimination of Racial Discrimination was unfortunately increasingly relevant in that regard, despite the fact it had been established by the most widely ratified human rights convention. She therefore welcomed the fact that the General Assembly had, at its most recent session, adopted the solution of recourse to regular budget funding in the case of the Committee on the Rights of the Child.

44. She drew attention to the preliminary report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19) submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its most recent session, and particularly its conceptual approach to economic, social and cultural rights in relation to civil and

political rights. Historically, it might be said that the promotion of human rights had been basically a reaction to the authoritarianism and intolerance which had ravaged Europe during the Second World War. As a result, priority had been given to civil and political rights. However, the two categories of rights were indivisible and interdependent. The State should promote and protect such rights for all individuals without any discrimination.

45. None the less, there was an advantage in studying the different nature of the two categories of rights, not for the purpose of placing them in hierarchical order, but rather to strengthen their implementation.

46. The traditional view of the distinction between civil and political rights, on the one hand, and economic, social and cultural rights, on the other, was that the role of the State differed, being abstentionist in the first case and interventionist in the second. However, that approach was not borne out in practice. Certain civil and political rights were rights to benefits, such as the right of everyone charged with a criminal offence to have legal assistance assigned to him without payment or to have the free assistance of an interpreter (article 14 of the International Covenant on Civil and Political Rights). On the other hand, economic, social and cultural rights included rights to non-interference, such as the right to strike or to form trade unions.

47. Moreover, the Human Rights Committee had confirmed that States parties to the International Covenant on Civil and Political Rights were required not only to protect, but also actively to promote the rights embodied in that Convention for all persons under their jurisdiction.

48. Among the obligations outlined in the International Covenant on Economic, Social and Cultural Rights were immediate objectives such as the prohibition of discrimination, the allocation of the maximum available resources, and the adoption of measures which would gradually ensure the full exercise of the rights recognized by the Covenant. The fact that the adoption of any measure contrary to those objectives would constitute a violation of the obligations entered into by each State at the time of ratification clearly indicated that economic, social and cultural rights, like civil and political rights, were enforceable by the courts.

49. The indivisibility and interdependence of basic rights underscored the importance of the question of extreme poverty, which was not merely a result of the non-enjoyment of economic, social and cultural rights, but was also closely linked to the lack of civil and political rights. Hence, priority should be given to studying the scope of the concept of extreme poverty, which would make it possible to discover the causes of poverty and the measures that could help to eliminate it.

50. In that context, there were two fundamental notions to consider, namely, the need to combat prejudice against the poor, who were often regarded as simply people unable to cope, and the need for solidarity towards every human being, which would make it possible to recognize the most disadvantaged as partners, thus facilitating their social integration and participation in the democratic process.

51. Turning to the question of the external debt, she said that it would be useful for the Special Rapporteur on the realization of economic, social and cultural rights to take into account the approach recently adopted by the Committee on Economic, Social and Cultural Rights with regard to article 22 of the relevant International Covenant. The Committee had recognized that, while structural adjustment programmes leading to greater austerity were often inevitable, measures to protect fundamental economic, social and cultural rights were even more essential under such circumstances. The States Members and specialized agencies of the United Nations should thus strive to incorporate such protection into adjustment programmes and policies. The protection of the rights of the poorest and most vulnerable should, in all circumstances, constitute a basic objective of the economic adjustment.

52. Mrs. Regazzoli (Argentina) took the Chair.

53. Mr. RIETJENS (Belgium) said that the principle of the indivisibility and interdependence of human rights, which was frequently affirmed but often ignored in practice by speakers who continued to uphold the primacy of one or other category of rights, had emerged clearly during the discussions in the Commission on the right to development. His delegation had noted with interest the report of the Secretary-General on the global consultation on the realization of the right to development (E/CN.4/1990/9 (Part III)). He fully shared the Secretary-General's conclusion that the global consultation was merely a first step towards a better understanding of the right to development and that the complexity of the subject would require further analyses and discussions.

54. The right to development entailed an entire programme which should lead not only to the economic and material well-being of the individual but also to the physical, moral, political, intellectual and cultural development of the human person. To that end, efforts should be made to obtain respect for fundamental rights as a whole, whether of a social, cultural and economic or of a civil and political nature. Indeed, development and democracy were inextricably linked, offering further proof of the interdependence of all human rights.

55. One of the most important aspects of the realization of human rights was the primary responsibility of the State towards its citizens. Each State had the obligation to respect and promote the civil and political rights of its citizens and to guarantee them appropriate recourse in case of violation, as well as to ensure gradually, to the limit of its available resources, the exercise of economic, social and cultural rights with a view to economic and social progress and the well-being of its entire population.

56. It was true that different levels of development and types of social organization required different methods of arriving at the objectives embodied in the human rights instruments. It was also true that the level of development of the State, including the availability of the necessary resources, had an influence on the capacity of that State to guarantee to its citizens the exercise of economic, social and cultural rights and even to provide the necessary infrastructure for the guarantee of certain civil and political rights. In the face of obstacles in that area, his Government advocated international co-operation to mitigate the inadequacy or lack of the necessary resources, and had long time assisted the efforts being made by the developing countries.

57. Action by the industrialized countries should not be limited to mere assistance, however, new approaches were necessary. That also meant that the developing countries should ensure that their own populations enjoyed the benefits of international co-operation. The existence of serious obstacles to the full realization of human rights in no way absolved a State from its responsibility to protect and promote such rights on behalf of its entire population. The equitable distribution of goods was also a priority at the national level for every State, whether industrialized or developing.

58. Moreover, the international co-operation advocated by the Charter of the United Nations should not be limited to economic and social rights, but should also extend to civil and political rights. The promotion and encouragement of respect for all human rights, in accordance with the purposes and principles of the Charter, entailed the shared responsibility of the Organization and its Member States. In that context, he fully supported the recommendation of the Secretary-General, on the basis of the conclusions of the global consultation, that existing United Nations machinery for the promotion and protection of human rights must be further strengthened and additional resources provided to the Centre for Human Rights (E/CN.4/1990/9 (Part III) para. 55).

59. The study by Mr. Alston on the effective functioning of bodies established pursuant to United Nations human rights instruments (A/44/668) deserved special attention. It showed clearly that the monitoring system was in a critical phase. The interdependence and indivisibility of human rights implied the interdependence of the treaty bodies established under the various instruments. Accordingly, a comprehensive analysis of the functioning of those bodies and the various factors impeding their smooth operation was long overdue. His delegation believed that Mr. Alston's conclusions and recommendations were highly useful and should lead to discussions of long-term approaches to the rationalization of reporting procedures.

60. Some of the existing monitoring mechanisms, such as the complaint procedure established under article 41 of the International Covenant on Civil and Political Rights, had so far been of theoretical value only. Not only was it true that barely 24 States had recognized the competence of the Human Rights Committee in that area, but since the entry into force of the Covenant, the procedure had never been applied.

61. He wondered whether it would not be a good idea to make another attempt to secure international acceptance of the application of such a system in the higher interest of respect for human rights, without impeding the good relations between the States concerned. The fact that comparable machinery was functioning at the regional level augured well for the attempt.

62. Mrs. RICO (Spain) said that her delegation supported the conclusions reached in the preliminary report on the realization of economic, social and culture rights (E/CN.4/Sub.2/1989/19) regarding the importance of focusing on extreme poverty and structural adjustment and the realization of those rights. Her delegation was particularly concerned about the question of extreme poverty, and it intended to be a sponsor of a resolution on the subject. It was also essential, however, to give priority attention to implementing realistic, rational and effective national economic policies. Human rights being indivisible, civil and political rights could not be

realized without the enjoyment of economic, social and cultural rights as well. Durable progress in the implementation of human rights depended on effective national and international economic and social development policies.

63. The current imbalances in the international economic order, in particular the heavy external debt burden, were an enormous obstacle to full realization of economic, social and cultural rights. Requiring debt payment from countries beset by a far-reaching economic crisis and the unemployment and poverty that it entailed was hard to justify from a moral standpoint and difficult to achieve financially. Moreover, the adjustment policies might at times interfere with the already difficult transition to democracy in developing countries and endanger the social consensus, upon which any free political system must be based.

64. The Commission must ensure that States respected human rights and fundamental freedoms. Although poverty, hunger and illiteracy were grave violations of human dignity, Governments must not use economic development as an excuse for torture, enforced disappearances or arbitrary executions. At its forty-fourth session, the General Assembly had adopted the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty, and her delegation, which had been a sponsor of the resolution that had led to the adoption thereof, was taking the necessary steps so as to be able to sign the Protocol on the day it was opened for signature and would proceed with its ratification as soon as possible. The Spanish Constitution had abolished the death penalty, and it was to be hoped that other States parties to the International Covenant on Civil and Political Rights would follow suit.

65. Mrs. EKONG (Nigeria), having stated that her Government welcomed the release of Nelson Mandela and hoped that all other persons in prison because of their opposition to apartheid would be released immediately and that genuine negotiations would commence with the leaders of the South African majority on establishing a non-racial, free, united and democratic South Africa, said that it took the view that economic, social and cultural rights were on an equal footing with civil and political rights. All human rights were indivisible and interdependent, and one set of rights should not be accorded greater importance than another.

66. Economic, social and cultural rights and the right to development derived their legitimacy from the Charter of the United Nations and from a host of conventions and declarations in the field of human rights. Their importance had been reflected in the global consultation on the realization of the right to development as a human right. The whole issue of development was closely related to numerous United Nations activities, particularly ways of implementing human rights standards and machinery to deal with problems of hunger, malnutrition, extreme poverty, infant mortality, illiteracy, debt, etc.

67. Her delegation endorsed the conclusions and recommendations contained in the report on the global consultation (E/CN.4/1990/9 (Part III)) as well as those in the preliminary report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19). The Commission should forward the report on the global consultation and the preliminary report, together with

the Commission's own inputs, to the 1990 United Nations special session of the General Assembly devoted to international economic co-operation for development and to the relevant body concerned with preparing the International Development Strategy for the United Nations Development Decade.

68. Extreme poverty, illiteracy, the crisis in agriculture in the developing countries, the unintended severe impact of some aspects of structural adjustment programmes, the debt crisis and the attendant negative net transfer of resources, as well as racism, apartheid and the denial of the right to self-determination were all prejudicial to the right to development and to the realization of economic, social and cultural rights.

69. The debt crisis in particular had had devastating effects. The current debt of the developing countries exceeded $US 1 trillion. In sub-Saharan Africa, total debt had increased from $US 6 billion in 1970 to $US 134 billion in 1988. According to the most recent World Bank report on sub-Saharan Africa, by the end of 1988 the regional debt had been equal to its GNP and three and a half times its export earnings, and debt-servicing obligations, amounting to 47 per cent of export revenues in 1988, had reached the point where they could be met by only 12 per cent of all sub-Saharan countries. The debt-servicing obligations of the low-income economies amounted to 30 per cent of their exports, a crushing burden in a region where poverty was all-pervasive.

70. In 1970, Nigeria had had a manageable external debt of $US 452 million, which had then risen to $US 5 billion in 1980 and currently amounted to $US 30 billion, servicing of which required approximately 35 per cent of its export earnings. In Asia and Latin America, the crippling effect of the debt burden was sometimes even greater.

71. The most arresting statistic released by the World Bank had been that the developing countries as a group had paid $US 50 billion in 1989 in debt service to their creditors, the largest net negative transfer of resources in history.

72. The 1980s had thus been a decade lost to development. For sub-Saharan Africa, as for many parts of the developing world, the 1980s had brought falling per capita incomes due to the decline in commodity prices - largely as a result of protectionism and unfair terms of trade, fluctuating exchange rates, a decline in productivity and a loss of world-market shares. The segment of the population in the development countries hardest hit had been the women and children. It was revealing that, in the period under consideration, six countries in sub-Saharan Africa, namely, Equitorial Guinea, Ghana, Liberia, Saõ Tome and Principe, Zambia and Nigeria had been reclassified by the World Bank from middle-income to low-income economies.

73. Extreme poverty, hunger, malnutrition, disease and other problems had been a major obstacle to the realization of economic, social and cultural rights and the right to development. Her Government called for greater international co-operation to find solutions to eliminate the problems facing the developing countries. Debt-relief measures, reduced interest rates, increased official development assistance and other forms of aid were needed. The United Nations must mobilize its resources with a view to achieving the true realization of economic, social and cultural rights.

74. Mr. ALDORI (Iraq) said that the Declaration on the Right to Development marked a considerable step forward in the promotion of human rights, and could be compared to the two International Covenants on Human Rights, on whose concepts it was based. The right to development could indeed be seen as underpinning most human rights, since its implementation was essential if all mankind was to attain a standard of living sufficient for the enjoyment of other rights.

75. The Declaration recognized that the development process should aim at the well-being, and involve the active participation, of the entire population and of all individuals in development and in the fair distribution of its benefits. The primary responsibility of States was recognized in article 3 of the Declaration, and article 8, paragraph 1 referred to the measures States should undertake for the realization of that right; in addition, specific obligations were imposed on the international community for that purpose, as could be seen elsewhere in the text.

76. The Commission itself had responded to its additional follow-up duties in that regard, inter alia, by inviting the Secretary-General, in its resolution 1989/45, to organize a global consultation, the report on which was before the Commission (E/CN.4/1990/9 (Part III)). His delegation, which had spoken, at the Commission's previous session, on the need for such a consultation, fully supported the conclusions set forth in the report.

77. At the national level, States should reaffirm their commitment to suitable approaches and practices, giving due weight to the exercise of fundamental human rights and freedoms. At the international level, measures should aim at the comprehensive development of the third world, whose countries faced considerable obstacles stemming from factors such as imbalances in North-South relations and reverse capital flows, unfair commodity prices and burdensome debt servicing. Talks should be resumed on the establishment of a new international economic order; and South-South dialogue should be further encouraged, especially in view of the emergence of major economic groupings from which the developing nations were being excluded.

78. The Commission had an important role to play in international action, and the Centre for Human Rights should co-ordinate the Declaration's implementation, as recommended in paragraph 57 of the report. His delegation also supported the recommendation, in paragraph 60, that the Secretary-General should appoint a high-level committee of independent experts to report annually to the General Assembly, through the Commission and the Council, on progress made in that regard.

79. Iraq attached the highest importance to the need for development; it had been adversely affected by eight years of warfare and as a result had to apply the utmost effort, husbanding human and financial resources, to promote development in all fields, especially economic and social. For that purpose, it was intended to enhance the role of the private sector, and to take an open view of all the different development philosophies, especially since the adoption of a new Constitution would pave the way to political pluralism, wider freedom and greater equality.

80. Mrs. Quisumbing (Philippines) resumed the Chair.

81. Mr. DAO (International Labour Organisation) said that the questions being considered under agenda items 7, 8, 17 and 18 were of great concern to ILO, which focused much of its attention on economic and social rights. It intended to contribute to United Nations activities aimed at realizing those rights, and in that connection, it had recently submitted to the Economic and Social Council its twelfth report on progress in achieving observance of the provisions of the International Covenant on Economic, Social and Cultural Rights.

82. He had noted with interest the study by the independent expert, Mr. Alston (A/44/668), in particular its references to ILO standard-setting procedures and monitoring. ILO would follow up appropriately the conclusions and recommendations contained in that study.

83. He had also taken note of the preliminary report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19), in particular the references made to the role of ILO standards in defining the rights recognized in the International Covenant on Economic, Social and Cultural Rights. ILO activities to combat extreme poverty, aimed primarily at achieving full employment, were based on ILO standards regarding employment policy and were part of its World Employment Programme, launched in 1969. In accordance with that Programme, national development policies should give priority to promoting employment and meeting the basic needs of the population.

84. With regard to the question of structural adjustment, the High-Level Meeting on Employment and Structural Adjustment, convened by ILO in November 1987, had highlighted the need to integrate the social dimension into decisions taken regarding such policies.

85. ILO had participated in the global consultation on the realization of the right to development as a human right, at which it had underscored the relevance of its principles and objectives to the right to development. When preparing the international development strategy for the Fourth United Nations Development Decade, it was important to include the question of employment and to devote the necessary attention to the key role of ILO standards. A reference to such international standards might help to determine the legal content of the right to development as a human right, define development policies and objectives and ensure that development strategy placed the individual at the centre of its concerns.

86. He was pleased that a number of points that his delegation had developed at the global consultation were reflected in the report (E/CN.4/1990/9 (Part III)); ILO would duly follow up the conclusions and recommendations contained therein.

87. Mr. FRAMBACH (Observer for the German Democratic Republic) said that the current historic developments in Europe provided an opportunity to usher in a qualitatively new phase of international relations, including co-operation in the field of human rights. His Ministry of Foreign Affairs had stated, in a recent memorandum, that the German Democratic Republic was fully committed to guaranteeing human rights and fundamental freedoms and adhered to the indispensable principle that civil, political, economic, social and cultural rights were equal in value and interrelated.

88. An honest human rights policy must always be pursued first in one's own country. His country's new Government, whatever its composition, would face up to that task. Democracy would henceforth be understood as the people's guaranteed right to self-determination, openness in all social matters and the comprehensive rule of law; authorities would be limited by the rights of the individual. In that light, the German Democratic Republic would shortly withdraw a number of reservations entered with respect to the International Covenants on Human Rights and would follow international mechanisms and procedures.

89. As in the past, his delegation would continue to speak up for equal treatment of rights, economic, social and cultural as well as civil and political. But in its sustained efforts towards strengthening economic, social and cultural rights, it would seek a consensus among all States. A joint approach was also needed to the sustained promotion of the right to development, for which the report on the global consultation (E/CN.4/1990/9 (Part III)) was an important starting point. The preliminary report by the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19) could also help in motivating all States to give those rights closer consideration.

90. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that, in the past few days, a non-governmental organization which his delegation held in high esteem had voiced gravely erroneous contentions which it should have checked carefully before disseminating them as charges against his country.

91. There was no "Kurdish problem" in the Syrian Arab Republic. All citizens, regardless of political, social or ethnic differences, worked together in a common national purpose. Syria was an ancient country, in which many civilizations had merged, and different ethnic groups had long since learned to live in harmony. Although the current national boundaries were not those of the ancient nation, because of political "solutions" imposed in recent historical times, Syria had not acquired any land to which it was not entitled, and the Kurds living in the country were there by choice. No groups of citizens were discriminated against on any grounds whatsoever. All were free to use their own language and culture, and lived under the Constitution and the rule of law, sharing the same duties and rights, including equal rights to education. It was not true that Kurds had been displaced to make room for others; any population movements which occurred were the result of economic trends and had nothing to do with political or ethnic issues.

The meeting rose at 1 p.m.